

DRAWING AMENDMENTS

A new reference line, for leading the reference character 422 to the element shown in the drawing, has been amended to Fig. 2 of the drawings in red ink along with the new element. A drawing amendment approval request form is enclosed herewith, as pursuant to MPEP 608.02(v).

In order to clarify the confusion of the reference characters, the applicant respectfully submits the reference character 2 refers to the foldable pivot leg assembly 2 which comprises a pair of table supporting frames 20, as shown in Fig. 1.

The reference character 10, 10', referring to the tabletop 10, 10', includes the top panel 11, 11' and the tabletop supports 12, 12', as shown in Figs. 1, 2 and 4.

The reference character 111, referring to the surrounding rim 111 of the top panel 11, has the outer sidewall 1111 and the inner sidewall 1112 to define the receiving track 1113, as shown in Figs. 1 and 2.

The reference character 111', referring to the surrounding rim 111' of the top panel 11', has the inner sidewall 1112' as shown in Fig. 4.

The reference character 20, referring to the table supporting frames 20, includes a group of elements 30 and 40, as shown in Figs. 1 and 2.

The reference character 30, referring to the leg frames 30, includes the transverse member 31 and the supporting legs 32, as shown in Figs. 1 and 2.

Referring to Figs. 1 and 2, the reference character 40, referring to the supporting frame 40, includes the supporting arms 41 and the folding frame 42. The supporting arm 41 has a lower retention portion 411 and a supporting portion 412. The folding frame 42 comprises the folding arm 421 and the pivot joint 422.

The reference character 50, referring to the attachment arrangement 50, includes the attachment member 51 and the coupling member 52, as shown in Fig. 1.

The reference character 50, referring to the attachment arrangement 50', contains the attachment hole 51' and the coupling holes 52', as shown in Fig. 4.

REMARKS-General

1. The newly drafted independent claims 27 and 30 incorporates all structural limitations of the original claims 1 and 8 and include further limitations previously brought forth in the disclosure. No new matter has been included. All new claims 27-45 are submitted to be of sufficient clarity and detail to enable a person of average skill in the art to make and use the instant invention, so as to be pursuant to 35 USC 112.

Response to Rejection of Claims 1-26 under 35USC112

2. The applicant submits that the newly drafted claims 27-45 particularly point out and distinctly claim the subject matter of the instant invention, as pursuant to 35USC112.

3. Regarding to claims 27-29, the instant invention claims a foldable pivot leg assembly which is adapted to incorporate with a banquet table. The top panel and the tabletop supports of the banquet table as mentioned in the preamble of the claim 27 are not the elements of the instant invention but are the **limitation** of the instant invention. In other words, in order to incorporate with the foldable pivot leg assembly as claimed in claim 27, the banquet table should have the plastic made top and the tabletop supports which are longitudinally supported under the top panel along two side edge portions thereof respectively.

Regarding to Rejection of Claims 1 and 3 under 35USC102

4. The Examiner rejected claims 1 and 3 under 35USC102(b) as being anticipated by Fanuzzi (US 6,182,578).

5. Pursuant to 35 U.S.C. 102, "a person shall be entitled to a patent unless:

(b) the **invention** was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States.

6. In view of 35 U.S.C. 102(b), it is apparent that a person shall not be entitled to a patent when his or her **invention was patent** in this country more than one year prior to the date of the application for patent in the United States.

7. However, the Fanuzzi patent and the instant invention are not the same invention according to the fact that the independent claim 1 of the Fanuzzi patent does not read upon the instant invention and the newly drafted independent claim 27 of the instant invention does not read upon the Fanuzzi patent too. Apparently, the instant invention, which discloses a foldable pivot leg assembly for a banquet table with a plastic tabletop, should not be the same invention as the Fanuzzi patent which discloses a portable treatment table.

8. Fanuzzi fails to anticipate the distinctive features as follows:

(a) In claim 27, "a foldable pivot leg assembly for a banquet table with a tabletop which comprises a plastic made top panel and two tabletop supports" is claimed, wherein Fanuzzi merely teaches the table top without any mention of any plastic made top panel and tabletop support. In other words, the foldable pivot leg assembly is not equivalent to the support leg taught by Fanuzzi.

(b) In claim 27, "a leg frame for pivotally mounting between the two tabletop supports" is claimed, wherein Fanuzzi merely anticipate the support legs hingably secured to the table top without any mention of pivotally mounting the leg frame between the two tabletop supports.

(c) Fanuzzi fails to anticipate "each of the supporting arms, having a L-shape, having a lower retention portion pivotally connecting to the folding frame and an upper supporting portion for transversely and pivotally mounting at the respective tabletop support in a detachably attaching manner as claimed in claim 27. Accordingly, the structure of the supporting arm allows the manufacturer or the user to self-assemble the foldable pivot leg assembly to the plastic tabletop. One of the objectives of the instant invention states that "the plastic tabletop and the foldable pivot leg assembly can be shipped and handled individually and then assembled later on by the importers or the customers in a Do-It-Yourself manner". Fanuzzi fails to teach the concept of the self-assembling objective because the components, i.e. the support legs, the x-frames, and the first cable, are secured to the table top.

(d) Fanuzzi fails to anticipate "the retention portions of the two supporting arms are parallelly extended alongside to pivotally connect to the folding frame" as claimed in claim 27. Accordingly, the retention portions of the two supporting arms are

adapted to enhance the supporting structure and the portability of the banquet table, however, Fanuzzi merely teaches the x-frame and the cables keep the x-frame in a planar position and provide additional support for the table. It is apparent that the x-frame with the cables arms is the main objective and achievement of the Fanuzzi since Fanuzzi specifically emphasizes the incorporation of x-frame and the cables with the table top.

9. The applicant respectfully submits that Fanuzzi fails neither suggest nor anticipate the above distinctive features (a) to (d) as claimed in the claim 27.

Response to Rejection of Claims 1-26 under 35USC103

10. The Examiner rejected claims 1-26 over Stanford (US 6,112,674) in view of Virtue et al (US 2,278,810), Palmer (US 4,825,781), Pinch (US 6,058,853), and Witkowiak (US 2,695,828).

11. Pursuant to 35 U.S.C. 103: "(a) A patent may not be obtained thought the invention is **not identically** disclosed or described as set forth in **section 102 of this title**, if the **differences** between the subject matter sought to be patented and the prior art are such that the **subject matter as a whole would have been obvious** at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made."

12. In view of 35 U.S.C. 103(a), it is apparent that to be qualified as a prior art under 35USC103(a), the prior art must be cited under 35USC102(a)~(g) but the disclosure of the prior art and the invention are not identical and there are one or more differences between the subject matter sought to be patented and the prior art. In addition, such differences between the subject matter sought to be patented **as a whole** and the prior art are obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains.

13. In other words, the differences between the subject matter sought to be patent as a whole of the instant invention and Stanford which is qualified as prior art of the instant invention under 35USC102(b) are obvious in view of Virtue, Palmer, Pinch, and

Witkowiak at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains.

14. The applicant respectfully submits that in order to determine whether the differences between the subject matters sought to be patent as a whole of the instant invention and the primary prior art, Stanford, are obvious in view of the supplemental cited arts, Virtue, Palmer, Pinch, and Witkowiak, we have to identify all the differences between the claims of the instant inventions and Stanford. The difference between Stanford and the instant invention as claimed in claim 27 is not limited to the disclosure of "the foldable pivot leg assembly", but includes the above distinctive features (a) to (d). In addition, the applicant further identifies the differences between the claims of the instant invention and Stanford as follows:

(e) In claim 30, "each of the supporting arms having a L-shape, having a lower retention portion pivotally connecting to the folding frame" is claimed, wherein Stanford merely teaches two elongated pivotal support braces 24, 30 pivotally connecting the support pedestals 18, 20 respectively without any mention of any L-shaped supporting arm.

(f) In claim 30, "each of the supporting arms having an upper supporting portion for transversely and pivotally mounting at the respective tabletop support in a detachably attaching manner, wherein Stanford merely teaches two pivotal support braces 24, 30 pivotally connecting the support pedestals 18, 20 with the cross brace member 36 without any mention of any L-shaped supporting arm pivotally connecting to the tabletop support. Indeed, there is no cross brace member in the instant invention. Therefore, Stanford fails to teach any structural connection between the pivotal support brace 24, 30 and the side rail 42, 44.

In addition, the structure of the supporting arm allows the manufacturer or the user to self-assemble the foldable pivot leg assembly to the plastic tabletop as mentioned above. Stanford also fails to teach the concept of the self-assembling objective.

(g) In claim 30, "the retention portions of the two supporting arms are parallelly extended alongside to pivotally connect to the folding frame" is claimed to enhance the supporting structure and the portability of the banquet table. In other

words, the supporting arms not only guide the folding movement of the leg frame but also substantially reinforce the strength of the plastic tabletop as mentioned in one of the objectives of the instant invention. However, Stanford merely teaches the cross brace member 36 to support the tabletop.

(h) Stanford does not teach "two folding arms pivotally connected to the leg frame and a pivot joint pivotally connecting end portions of the folding arms with end portions of the two supporting arms" as claimed in claim 22 in addition to what is claimed in claim 27 as a whole and as claimed in claim 31 in addition to what is claimed in claim 30 as a whole. Stanford merely teaches the angled members 100 pivotally engaging with the respective pivotal support braces 24, 30 respectively.

(i) Stanford never mentions any structure of "end portions of the supporting arms are sandwiched between said the portions of the folding arms" to hold the supporting arms in position with respect to the tabletop as claimed in claim 22 in addition to what is claimed in claim 27 as a whole and as claimed in claim 31 in addition to what is claimed in claim 30 as a whole.

(j) Stanford does not mention any "ring-shaped locker slidably mounted to the supporting arms along the retention portions thereof" for locking up the supporting arms with the folding frame at the unfolded position as claimed in claim 23 in addition to what is claimed in claim 27 as a whole and as claimed in claim 32 in addition to what is claimed in claim 30 as a whole.

(k) Stanford does not teach "the top panel has a surrounding rim having outer and inner sidewalls to form a receiving track to receive the respective tabletop support" to pivotally connect with the supporting arms as claimed in claims 33 and 34 in addition to what is claimed in claim 30 as a whole. Stanford merely teaches, in column 5, lines 49-51, the side rails 42, 44 may be secured to respective opposing longitudinal side walls 48 by screws.

(l) Stanford does not suggest "four attaching members are spacedly extended from the two tabletop supports at two side portions of the top panel respectively to rotatably insert into outer ends of the leg frame respectively" to pivotally connect the leg frames with the top panel as claimed in claims 35 and 36 in addition to what is claimed in claim 30 as a whole. Stanford merely teaches, in column 6, lines 59-

61, respective ends 88 of each cross pole 86 are positioned within opposing retaining apertures 46 disposed within the opposing side rails 42, 44 of the frame 40.

(m) Stanford does not teach "four coupling members are spacedly extended from the two tabletop supports respectively to rotatably insert into outer ends of the four supporting arms" to pivotally connect the supporting arms with the top panel as claimed in claims 35 and 36 in addition to what is claimed in claim 30 as a whole. Stanford does not disclose any structural connection between the supporting arm and the tabletop support.

(n) Stanford does not suggest "a plurality of guiding slots spacedly formed on the inner sidewall of the surrounding rim to respectively align with the attachment members and the coupling members" as claimed in claims 37 and 38 in addition to what is claimed in claim 30 as a whole. Stanford does not teach any inner sidewall formed along the top panel.

(o) Stanford does not teach "four coupling holes are spacedly provided at the two tabletop supports respectively for outer ends of the four supporting arms to rotatably insert thereinto respectively" to pivotally connect the supporting arms with the top panel as claimed in claims 39 and 40 in addition to what is claimed in claim 30 as a whole. Stanford does not disclose any structural connection between the supporting arm and the tabletop support.

(p) Stanford does not teach "a plurality of guiding slots spacedly formed on the inner sidewall of the surrounding rim to respectively align with the attachment holes and the coupling holes" as claimed in claims 41 and 42 in addition to what is claimed in claim 30 as a whole. Stanford does not teach any inner sidewall formed along the top panel.

(q) Stanford does not teach "a folding joint allowing two side panels to be folded in an overlapped manner" as claimed in claims 43 and 45 in addition to what is claimed in claim 30 as a whole. Stanford does not contain such overlap-folding concept.

15. Whether the claims 27 to 45 as amended of the instant invention are obvious depends on whether the above differences (a) to (q) between the instant invention and

Stanford are obvious in view of Virtue, Palmer, Pinch, and Witkowiak at the time of the invention was made.

16. Furthermore, the applicant respectfully submits that when applying 35 USC 103, the following tenets of patent law must be adhered to:

- (a) The claimed invention must be considered as a whole;
- (b) The references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination;
- (c) The references must be viewed without the benefit of hindsight vision afforded by the claimed invention; and
- (d) Reasonable expectation of success is the standard with which obviousness is determined.

Also, "The mere fact that a reference could be modified to produce the patented invention would not make the modification obvious unless it is suggested by the prior art." Libbey-Owens-Ford v. BOC Group, 4 USPQ 2d 1097, 1103 (DCNJ 1987).

17. Virtue merely teaches, in page 2, lines 18-21, a pair of outwardly diverging arms 32 rigidly attached to the under side of the table top without any suggestion of how such diverging arm 32 be possibly equipped with the tabletop support. Indeed, Virtue never mentions any tabletop support to couple with the diverging arm 32.

18. Palmer merely teaches a leg member comprises of 2 U-shaped sub-members 1 wherein each U-shaped sub-members 1 has a top section 4, a center section 3 and a bottom section 2. It is inappropriate for the Examiner to allege the U-shaped sub-member 1 of Palmer is equivalent to the L-shaped supporting arm. Indeed, the U-shaped sub-member 1 taught by Palmer is directly mounted to the lower surface of the tabletop while the L-shaped supporting arm of the instant invention is pivotally connected between the tabletop support and the folding frame. It is impossible to incorporate the U-shaped sub-member taught by Palmer with the table taught by Stanford to achieve the same objective and limitation of the instant invention.

19. Pinch merely discloses a table top with a bottom sheet of plastic formed to include an outer perimetral rim 176 and a spaced-apart longitudinal support rail 152 having a generally U-shaped cross section, wherein a reinforcing cover 156 covers the support rails 152. It is apparent that Pinch fails to teach the same recitation and limitation of the instant invention of using a surrounding rim of the top panel to form a receiving track between outer and inner sidewalls to receive the respective tabletop support. In other words, Pinch does not contain any suggestion of how to embed the tabletop support along the surrounding rim of the top panel.

20. In addition, Pinch merely teaches a pivot member 64 provided at the support rail 152 for allowing the first and second table sections folded at a collapsed position without any suggestion of how such support rail 152 be possibly equipped the single tubular bar 84.

21. Pinch further teaches the support rail 152 is formed to include a leg-receiving notch 160 and the reinforcing cover has an aperture 162 positioned to lie adjacent to the leg-receiving notch 160. The applicant respectfully submits the guiding slot is formed on the inner sidewall of the surrounding rim such that the outer end of the supporting arm is rotatably inserted into the guiding slot to pivotally connect to the tabletop support. The connection structure between the support rail 152 and the leg taught by Pinch is totally different from the connection structure between the tabletop support and the supporting arm of the instant invention.

22. Witkowiak merely teaches a pivot pin 16 projected from the side rail 11 to engage with a tubular axle member 15 without any suggestion of how the pivot pin pivotally connecting to the supporting arm.

23. "To prevent the use of hindsight based on the invention to defeat patentability of the invention, this court requires the examiner to show a motivation to combine the references that create the case of obviousness. In other words, the examiner must show reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited art references for combination in the manner claimed... [T]he suggestion to combine requirement stands as a critical safeguard against hindsight analysis and rote

application of the legal test for obviousness..." *In re Gorman*, 933 F.2d 982, 986, 18 USPQ 2d 1885, 1888 (Fed. Cir. 1991).

24. Accordingly, the applicant believes that neither Stanford, Virtue, Palmer, Pinch, nor Witkowiak, separately or in combination, suggest or make any mention whatsoever of the difference subject features (a) to (q) as claimed in the claims 27 to 45 of the instant invention.

25. Applicant believes that for all of the foregoing reasons, all of the claims are in condition for allowance and such action is respectfully requested.

The Cited but Non-Applied References

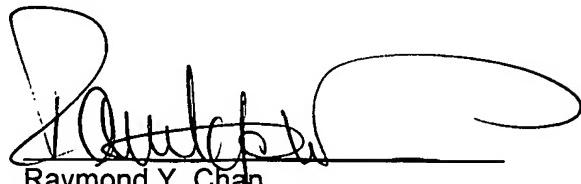
26. The cited but not relied upon references have been studied and are greatly appreciated, but are deemed to be less relevant than the relied upon references.

27. A formal drawing, Figure 2, is submitted herewith to replace the corresponding original figures in file upon the approval of the proposed drawing correction of Figure 2.

28. In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration and withdrawal of the objection are requested. Allowance of claims 27-45 at an early date is solicited.

29. Should the Examiner believe that anything further is needed in order to place the application in condition for allowance, he is requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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App. Nr.: 10/658,553

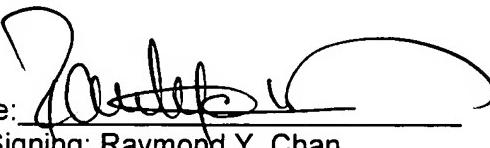
Amendment A (contd)

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CERTIFICATE OF MAILING

I hereby certify that this corresponding is being deposited with the United States Postal Service by First Class Mail, with sufficient postage, in an envelope addressed to "Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on the date below.

Date: November 04, 2005

Signature: 
Person Signing: Raymond Y. Chan

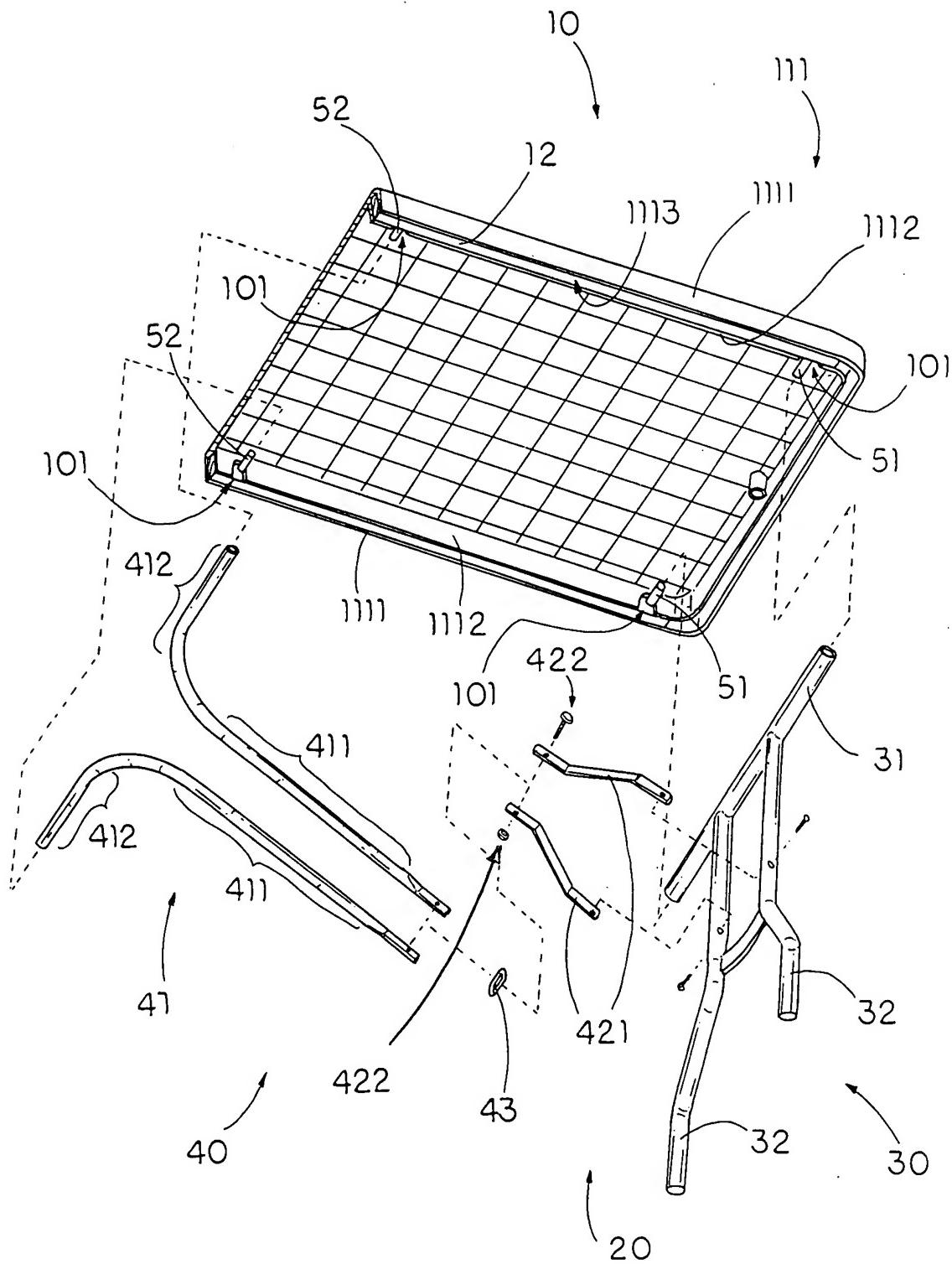
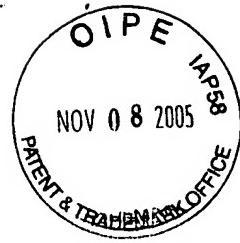


FIG. 2

Proposed Drawing Correction